

**Before the  
Federal Communications Commission  
Washington, DC 20554**

In the Matter of	)	
	)	
Improving Public Safety Communications in the 800 MHz Band	)	
	)	
Consolidating the 900 MHz Industrial/Land Transportation and Business Pool Channels	)	WT Docket No. 02-55
	)	

To: The Commission

**COMMENTS OF  
COMMERCIAL RADIO AND TELEVISION, INC.**

Commercial Radio and Television, Inc., (“Commercial Radio”) operates conventional SMR systems and business radio systems in the Las Vegas area. Commercial Radio also serves a number of other 800 MHz licensees as their radio service shop. Thus, Commercial Radio has a direct interest in the outcome of the above referenced proceeding.

While we agree that interference to public safety 800 MHz radio systems can be a serious problem, we feel that any type of re-banding only makes a bad situation worse.

The cause of the interference can be traced directly to the low-site, digital, cellular-type architecture employed by Nextel and perhaps others. I have personally discovered this type of digital system causing interference with a public safety system. In that case, we were able to work with the digital operator in resolving the problem by

changing the transmitter combining system in use on the digital system to a type that provided an improved transmitter filter characteristic. While recognizing that not all interference can be resolved in this manner, it is the position of Commercial Radio that the situation is not yet beyond employing case-by-case resolution techniques.

The real issue is what is the responsibility of the cellular-type operator(s). We believe that even if the digital operators are meeting the Commission's emission mask, they are last-in and should bear the responsibility to resolve the problem. Resolution may be in the form of new filters, lower power densities around cell sites, higher antennas, or a move away from the digital technology. These operators have no more entitlement to the spectrum than the other users of the band. In fact, Nextel is in the band only because it promised in its original "Fleet Call" waiver request to resolve any interference problems on a case-by-case basis. That promise must not be forgotten by the Commission. If Nextel cannot solve the interference that it is causing, it should turn its systems off or it should move to another band.

It may seem an easy task to restructure the frequency allocation within the 800 MHz band, but our experience speaks to the contrary. Commercial Radio has been through the process of clearing the "upper 200" and it was intensely difficult. That rebanding was on a small scale compared to what is being proposed. In accordance with Section 90.699, last year we completed our frequency swap and re-tune with Nextel. The process involved much more just re-programming radios.

It is Commercial Radio's experience that to retune, you must construct a complete new system at the existing repeater site. This naturally assumes that space is available and the landlord will allow this. The next obstacle is to convince the customers that this

re-programming is not an option and must be completed in a timely fashion. This process is very disruptive to the end user and can be taken with suspicion as to why something, which works fine must be changed.

As a conventional SMR operator, Commercial Radio has not caused this harmful interference, but has, like public safety, received interference from digital operations. Commercial Radio and others should not be forced to move to a band not compatible with existing 800 MHz equipment and not receive compensation for the cost. The economic impact of either retuning or rebanding would likely force Commercial Radio and many like us out of business. Perhaps that is exactly what Nextel would like to see as a by-product of its proposal. The demise of private land mobile radio systems could be seen by Nextel as a new pool of customers for its system. The Commission should focus on protecting the 800 MHz spectrum for the existing public safety, B/ILT, and conventional SMR operators. Nextel is the interloper in the band, not the other licensees.

Commercial Radio has bargained in good faith and trusted both the FCC and Nextel in the belief that we would have quiet enjoyment on the spectrum to which we were relocated. The fact that Nextel is large and speaks loudly does not give it any more rights to the 800 MHz band than the other users. ***If Nextel were not in the band, there would be no interference problem to public safety systems.*** Nextel is the cause of the problem and should be solely responsible for the cure, even if that means shutting down sites that are causing interference. Nextel made a promise of no interference to gain access to the spectrum and then took a risk that it was right. It has now deployed thousands of cell sites and, it appears, may have been incorrect in its assumptions.

Nevertheless, Nextel must now live with its decisions and not thrust its mistakes on innocent parties.

I trust you will take our concerns into consideration while exploring your options in this Docket.

Sincerely,

Roger Combs  
VP/General Manager  
Commercial Radio & Television Inc.  
4427 South Polaris Ave.  
Las Vegas, NV 89103